

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO**

ROSEL C. HURLEY III,

Plaintiff,

V.

NATIONAL BASKETBALL PLAYERS
ASSOCIATION, et al.,

Defendants.

Case No. 1:21-cv-01099

JUDGE DONALD C. NUGENT

**DEFENDANT NATIONAL BASKETBALL PLAYERS ASSOCIATION’S MOTION
TO COMPEL ARBITRATION AND DISMISS**

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*Attorneys for Defendant
National Basketball Players Association*

Defendant National Basketball Players Association (“NBPA”), by and through its undersigned counsel, hereby submits this Motion to Compel Arbitration and Dismiss Plaintiff Rosel C. Hurley’s (“Plaintiff”) Complaint pursuant to Fed. R. Civ. P. 12(b)(6).

In the Complaint, Plaintiff asserts claims under the Sherman Act and the Federal Arbitration Act (“FAA”) based upon the NBPA’s rejection of Plaintiff’s application to be a certified agent for players in the National Basketball Association (“NBA”). The NBPA rejected Plaintiff’s application because Plaintiff is a convicted felon who had his law license repeatedly suspended—including for misrepresenting his status as an Ohio lawyer in a scheme to mislead and intimidate small businesses into paying him money. While Plaintiff seeks to challenge the NBPA’s rejection of his application, his claims fail under Fed. R. Civ. P. 12(b)(6) for at least two reasons.

First, as Plaintiff concedes, when he submitted his application he agreed to be bound by the NBPA’s Regulations and applicable law. As relevant here, the Regulations require any challenge to the NBPA’s rejection of an application to be heard in arbitration, not court. In accordance with the federal policy favoring arbitration and binding precedent, the Court should compel Plaintiff to arbitrate his claims and dismiss his Complaint.

Second, even if the Court were to find that Plaintiff need not arbitrate his claims, the Complaint should still be dismissed for failure to plead any cognizable claim for relief.

For these reasons and authorities set forth herein and in the accompanying Memorandum and exhibits, the NBPA respectfully requests that the Court dismiss the Complaint as it relates to the NBPA pursuant to Fed. R. Civ. P. 12(b)(6).

Dated: September 10, 2021

Respectfully submitted,

/s/ Sean L. McGrane

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National Basketball Players Association

CERTIFICATE OF SERVICE

I hereby certify that on September 10, 2021, the foregoing document was electronically filed with the Clerk of the Court using the ECF system which will send notifications of such filing to all counsel of record.

/s/ Sean L. McGrane

Sean L. McGrane (0091287)